

Groundwater Management Plan Committee Cedar Valley, Iron County
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November 13, 2017

Kent Jones P.E.
Utah State Engineer
P.O. Box 146300
Salt Lake City, UT 84114

RE: PROPOSED POLICY CHANGES WATER RIGHT AREA #73

In our meeting dated October 12, 2017, we understood the State Engineer was reviewing the following three policy changes within water right basin #73:

1. The highway 56 boundary which currently does not allow changes between north and south subareas will be removed. This boundary is arbitrary and there is no science which signifies the continuation of the boundary.
2. Applications to appropriate consumptive ground and surface waters shall be rejected with the exception of surface water from terminus lakes, Rush Lake and Quichapa Lake. Applications for surface water from terminus lakes proves subject to statute to the extent that the water to be appropriated would not otherwise recharge the groundwater aquifer. Such appropriations shall have no call on other water rights and shall be restricted if proposed by change applications for movement of the point of diversion from the lakes to other points of diversion. This makes it clear that some waters in the valley that may not get into the aquifer system that might be available for appropriation and use, but would be restricted to where they are and would have no call either now or in the future to require water to be sent down to those terminus lake areas.
3. Change applications proposing to move existing surface waters to a groundwater source shall generally be rejected unless the water is for recovery of water from an approved aquifer storage recovery project or if the existing surface source on the water right is sufficiently isolated such that there is a functional mechanism to abandon the historic point of diversion for the benefit of the local aquifer without expansion of existing rights. Only that quantity of water available at the surface source shall be considered when evaluating such proposals. Example: Showing that a surface source cannot be diverted and put into the aquifer would be considered. If the water is not

getting into the groundwater, it would be an expansion on the water right and would likely be rejected.

The Groundwater Management Plan Committee met again on November 9, 2017 and have the following comments in relation to the proposed Policy changes.

In regard to policy change #1. The committee does **not** believe it would be a good policy to remove the Highway 56 boundary. We agree that geologically there is little reason to have this boundary. However, over time this boundary has created an economic divide within this sub-basin. The southern area has the greatest levels of water level decline in the basin and it also has far less ability to receive recharge. If we combine that with the fact that the price of water rights south of Highway 56 are considerably higher than those to the north, we could potentially exacerbate the pumping in the south by removing the boundary and allowing water rights into this area. We urge the State Engineer to not remove the boundary at this time and wait until a time when the water levels begin to reverse the current trend and are restored to sustainable levels.

In regard to policy change #2. The committee does agree that the State Engineer should follow statute in putting waters of the State to beneficial use. Waters that end up in the terminus lakes which do not provide benefit to the local aquifer or other beneficial uses should be appropriated.

The committee understands that the State Engineer approved a80859 in the name of Cedar Valley Ranch LLC to appropriate 7000 acre-feet from the terminus lake, Rush Lake, on November 13, 2017.

The Committee understands Cedar Valley Ranch LLC has enough current groundwater rights to supply about 500 acres which is far under the needed amount for the nine (9) new pivots which were installed within the last couple of years. Additionally, it is unlikely that water will be available for irrigation on an annual basis for the proposed 1,750 acres. This committee is concerned that the applicant will use groundwater to irrigate the 1,750 acres to generate enough revenue to pay for the newly installed infrastructure.

Correctly, the order does implicitly state that the water right cannot be changed to a groundwater right and must demonstrate where each source comes from when filing proof. We are cautious and hope the State Engineer is also cautious as to where the water will come from to irrigate these newly cultivated lands before the proof date of November 30, 2031. We understand this would now fall under an enforcement issue and is not directly related to the policy change, but given the opportunity we feel it necessary that the State find a way to monitor the situation to ensure we do not continue to overdraft the aquifer.

In regard to policy change #3. The Committee agrees and supports the State Engineer's proposal for surface to groundwater change applications.



Paul Monroe
Secretary GMP Committee